



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/071,272	02/08/2002	Greg A. Penner	11898.0021.NPUS00

HOWREY LLP  
HOWREY SIMON ARNOLD & WHITE  
750 BERING DRIVE  
HOUSTON, TX 77057-2198

CONFIRMATION NO. 9001 **3**

## FORMALITIES LETTER



\*OC000000007988414\*

Date Mailed: 05/01/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

COPY OF PAPERS  
ORIGINALLY FILED

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of **\$255** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$690** for a Small Entity

- **\$370** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$255**
  - **\$171** for **19** total claims over 20.
  - **\$84** for **2** independent claims over 3.

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*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPERS  
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In re Application of:  
Greg A. Penner  
Stefan A. Bledig  
Timothy W. Conner

Serial No.: 10/071,272

Filed: February 8, 2002

Confirmation No.: 9001

For: IDENTIFICATION OF SEEDS OR  
PLANTS USING PHENOTYPIC  
MARKERS



Group Art Unit: 1638

Examiner: ~~To be Assigned~~

*McBryde*

Atty. Dkt. No.: 11898.0021.NPUS00  
(MOBS:021)

RESPONSE TO 37 C.F.R. § 1.53(f) NOTICE

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:	
Date: 6-11-02	<i>Elizabeth M. G.</i> Signature

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(f), dated May 1, 2002, there are enclosed herewith:

- (a) Declaration executed by Greg A. Penner, Stefan Bledig and Timothy W. Conner;
- (b) A Power of Attorney on behalf of Monsanto Technology LLC;

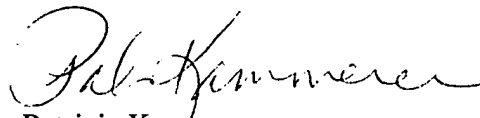
- (c) An Information Disclosure Statement and Form 1449 and references cited; and
- (d) A copy of Notice to File Missing Parts of Application-Filing Date Granted.

An Assignment to Monsanto Technology LLC and a check for \$40.00 are being filed under separate cover.

The Commissioner is authorized to charge the fee of \$1,380.00 to Deposit Account No. 01-2508/11898.0021.NPUS00/KAM for the **large entity** statutory basic fee, additional claim fees and the surcharge for late filing of the declaration. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11898.0021.NPUS00/KAM.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Patricia Kammerer  
Reg. No. 29,775  
Attorney for Assignee,  
Monsanto Technology LLC

HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

Date: June 10, 2002